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consisting of 3 pages and  
enclosures. *Memos to Pres*  
*Replacement for (cc).*  
RETURN TO S/S-MC  
ROOM 5021 NS

*HR-m/Sg*  
*XLD 901068*  
*6/21/91*

DEPARTMENT OF STATE  
WASHINGTON

1572

Downgraded to: SECRET  
LC 11652 XGDS IC 2 (3) 4  
Authorized By: *Th. D. Brewster* March 4, 1959  
August 4, 1975 *11/21/75*

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MEMORANDUM FOR THE PRESIDENT

Subject: Berlin Contingency Planning

When Secretary Dulles and others discussed Berlin contingency planning with you on January 29, the application of additional military force was reserved for governmental decision in the event that an initial probe followed by other measures proved unsuccessful.

Though decision is reserved, the need for advance planning is evident, and the Department of State has been examining alternative possibilities. Short of general war, these appear to be two. One is the use of substantial force to attempt to reopen passage to Berlin. The other, a pacific counter-blockade, supplemented perhaps by other forms of naval reprisal, seems on preliminary examination to merit careful study also. There is attached a memorandum on this subject prepared in the State Department.

Pacific blockade is considered an act of reprisal rather than an act of war. By applying this concept to the Berlin situation, we might frame a strategy which would counter interference with Western access not by invading East Germany, where we would be at a disadvantage, but by action at sea where the USSR would be at a disadvantage. We might, for example, control Soviet and East German shipping at the entrances to the Baltic and the Black Sea. The control could assume various degrees of stringency, in case the USSR should use gradual tactics over Berlin. It could be extended to other

principal.

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-2-

principal ports in the north and far east if desired, and it could be supplemented by seizing ships on the high seas.

While such a course of action, like its alternative, raises serious problems, it has such apparent advantages that I believe it worth very careful study. I therefore suggest that you direct that the Department of Defense and Joint Chiefs of Staff report urgently on United States capabilities for naval reprisals, including counter-blockade, in connection with Berlin contingency planning.

*Christian A. Hexter*

S/S-RO

MAR 4 1959

A TRUE COPY OF  
SIGNED ORIGINAL

Attachment:

Copy of State Department memorandum, "Berlin Contingency Planning: Pacific Counter-Blockade", March 3, 1959.

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S/P: G. A. Morgan  
3/2/59

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S/P-5928

March 3, 1959

BERLIN CONTINGENCY PLANNING:

PACIFIC COUNTER-BLOCKADE

Introduction

1. There are two basic issues which confront us in contingency planning for Berlin:

(a) at what stage and over what issue to threaten and, if necessary, use force;

(b) what type of force to use.

2. This memorandum addresses the second of these issues. It proposes in particular the study of a type of force which could be used as an alternative to substantial ground action in East Germany or immediate initiation of general war. It does not address the question of defining the point at which the proposed type of force should be used, but it does suggest that the threat to use it would decrease the likelihood of such a point being reached.

3. In challenging the West on Berlin, the USSR is relying on two circumstances in particular: first, the only way the West can maintain access is by crossing territory under effective

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communist control and, second, it is far easier to deny than to maintain such access by localized military action. It is thus clear that local use of force by the Western powers cannot of itself be an effective counter to the proposed Soviet line of action, hence that its significance would consist wholly in the implied threat of imminent general war. Yet it is precisely the immense psychological gap between pinpoint Berlin situation and global reaction that has made it difficult to win Allied commitment to this step, makes Allied unanimity uncertain when faced with the ultimate decision, and therefore encourages Soviet intransigence.

4. We need accordingly to look beyond Berlin to see if there is not some other way in which we can more effectively deter or counter Soviet interference with Western access. One way might be the application of seapower which served us so well over Lebanon and Quemoy. In seapower the balance of general military advantage is with us, not with the USSR, and by its use we should be able to pick situations where the balance of local advantage would also be in our favor.

#### The Concept of Graduated Pacific Counter-Blockade

5. Some form of counter-blockade would seem to be the most logical use of seapower in relation to Berlin, since what is threatened against us in Berlin amounts to a blockade.

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It should be considered a pacific counter-blockade since it would be intended as a reprisal rather than an act of war. As Soviet or East German interference with our access might begin gradually, it would be desirable to plan wide flexibility in both degree and scope. Suitable points at which to control shipping might be at the entrances to the Baltic and the Black Sea, and the degree of control might vary with the degree of interference with our access to Berlin. The blockade could be extended to the principal ports in the north and far east if desired. It might be applied to all Soviet and East German shipping, or to vessels to and from one or more specific ports. It could also be supplemented by seizing ships on the high seas by way of reprisal, or by other measures such as a trade embargo.

6. If in the end any new agreements or implicit understandings were reached concerning Berlin, the continuing possibility and perhaps explicit threat of pacific counter-blockade might provide useful insurance against further Soviet bad faith or East German nibbling at our position.

Advantages as a Deterrent

7. The USSR would know counter-blockade to be a course of action well within our capabilities, on terms relatively advantageous to us and therefore not suspect of bluffing. The

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recent incident when we boarded a Soviet trawler believed to have cut cables illustrates for their benefit the decisiveness of US action in this sphere.

8. A strategy of counter-blockade would be a rational and symmetrical response to wrongful use of force against us, thereby appealing to the popular sense of justice, and it would tend to place on the USSR the chief onus for extending the conflict into open hostilities if that occurred. It should therefore be more acceptable to NATO and to Western public opinion than using substantial force to try to open a passage to Berlin. It would be a course of action in which the French and British could fully participate, and their efforts could be supplemented by some or all other NATO powers as a token of solidarity. Moreover it would be capable of adoption at an early date, at least for purposes of planning and preparation. To enhance its deterrent value we should probably wish to let the USSR know our intentions, privately if not publicly, well in advance. It should thus confront the USSR with the prospect of full and continuing Allied unanimity on a vital aspect of the question of using force over Berlin.

9. Counter-blockade would help to bridge the psychological gap between Berlin and our global deterrent. It would involve operations on an extensive scale, from which the transition to a global strike would be credible alike to friend and foe if it appeared to be in the US interest.

Advantages

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-5-

#### Advantages if Implemented

10. In addition to several advantages already mentioned, counter-blockade if implemented would inflict serious psychological and political damage on the USSR, and it could not be broken without grave risk of general war, for which the USSR would bear the main onus. It would therefore give the USSR substantial inducement to come to terms. The psychological and political inducement would be supplemented by significant economic losses, the probable amount of which should be the subject of further study.

11. Counter-blockade would afford time and a sound basis for further negotiations, rather than precipitating a rapid showdown. We would be under no compulsion to make concessions without counter-concessions. We would be in a relatively favorable position with world opinion, which would be drawn away from confusing details about Berlin traffic control and focussed on the big picture.

12. Counter-blockade would wear well in case of UN intervention. The UN could hardly ask one side to back down more than the other, and any foot-dragging by the USSR could be matched by us.

#### Possible Objections

13. While the present memorandum is only an initial not

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90 1068 - 24

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-6-

a definitive study, some objections which readily arise may be considered briefly.

14. Counter-blockade might be considered unduly provocative, especially since blockade is traditionally considered an act of war and the concept of pacific blockade is not familiar to the general public. But our actual interference with communist shipping would be proportionate to the interference with Western access to Berlin, hence a just response rather than a provocation. In any case in the light of Khrushchev's flat statements it would probably seem less provocative than invasion of East Germany -- the only alternative resort to force so far proposed.

15. The communists might extend the Berlin blockade to civilian traffic, or even seize West Berlin. But we would have at our disposal appropriate counter-measures, including seizing all communist shipping and extending our counter-blockade, or deciding this meant general war. If Western troops were captured and held as hostages, we could likewise imprison all personnel of ships we seized.

16. West Berlin could not hold out indefinitely, and the USSR might simply sit tight until Berlin collapsed. It is true that the USSR could physically stand our counter-blockade indefinitely. But whatever the economic losses involved, the

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-7-

USSR would doubtless find the situation very humiliating to its prestige. Meanwhile the pressure of world opinion, both direct and through the UN, would mount strongly in favor of a settlement. As for Berlin, the stockpiles should enable the city to hold out physically for some months, which should be adequate. The key question would be morale, but that also should respond on the whole favorably to a vigorous stand by the West like counter-blockade. Something might also be done about morale on the other side, as the tense situation could easily bring anti-communist feelings in East Germany to the boiling point.

17. The USSR might well react with mine sweeping if our blockade used mines, with submarine attacks on our shipping, or plane and submarine attacks on our blockading vessels, conduct mine warfare against them, or try to force the blockade by naval escort of merchant ships. But in that event they would bear the responsibility of taking additional military measures, and we would retain the option of fighting back in a type of hostilities which would be more advantageous to us than local ground fighting and less dangerous than immediate resort to general war.

#### Conclusion

The possibility of naval reprisals, particularly in the

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## Neocommunisten

(a) Sign the attached memorandum to the President proposing that he instruct the Department of Defense and the Joint Chiefs of Staff to report urgently on U. S. capabilities for naval reprisals in connection with Berlin contingency planning;

## CONCLUSIONS

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**Proposed memoranda for the President.**

**Approved**

**Disapproved**



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*ret'd to L- Becker  
By S/P. (R)  
1572*

March 4, 1959

**MEMORANDUM FOR THE ACTING SECRETARY**

**THROUGH : S/S**

**FROM : L - Loftus Becker**

**SUBJECT : Pacific Blockade**

**REFERENCE: S/P Memorandum Dated 3/3/59 Entitled "Berlin  
Contingency Planning: Pacific Counter-Blockade"**

A so-called "pacific blockade" is a form of reprisal. A reprisal may be defined as a coercive measure taken by one State against another, without belligerent intent, in order to secure redress for, or to prevent recurrence of, acts or omissions which under international law constitute international delinquency.

The term "pacific blockade" refers to the cutting off of access to or egress from a foreign port or coast by a naval operation designed to compel the territorial sovereign to yield to demands made of it, such as the granting of redress for the consequences of its wrongful conduct, and by a process whereby the blockading State does not purport to bring into being a state of war. Such action is to be deemed pacific merely in the sense that the blockading State is disposed to remain at peace, while the State whose territory is blockaded does not elect to treat the operation as one constituting an act of war or as compelling it to make war upon its adversary.

On certain occasions European States have found it possible to resort to pacific blockade without producing

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90 1068 - 28

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-2-

a state of war. The United States has never had recourse to pacific blockade.

While there is a conflict in the authorities as to the legality of the practice of pacific blockade, even when confined to vessels of the offending State or States, the Legal Adviser of the Department of State ruled in 1932:

"If no attempt is made to extend the measures to citizens and property of a third State there is in it [pacific blockade] nothing exceptionable from a legal point of view." (Memorandum of the Legal Adviser of the Department of State (Hackworth), Jan. 29, 1932, MS. Department of State, file 893.1028/1165.)

The United States has, however, consistently denied the legality of a pacific blockade where an attempt was made to interfere with the vessels of third States, not parties to the controversy. See generally VI Hackworth, pages 156-159; II Hyde (2d Rev. Ed.) pages 1667-71; II Oppenheim (6th Rev. Ed.) pages 118-124. There seems to be general agreement that a pacific blockade cannot be enforced against vessels of third States.

I have been unable to find any authority passing upon the legality of a pacific blockade following the entering into force of the United Nations Charter. Under Article 2 of the Charter, members undertake to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered. (Par. 3) Moreover, under the same Article, members undertake to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations. (Par. 4) These Purposes include those stated in Article 1, paragraph 1, as follows:

"1. To maintain international peace and security, and to that end: to take effective

collective

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901068 - 29

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-3-

collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace."

Chapter VI has provisions governing the pacific settlement of disputes, and Chapter VII relates to action with respect to threats to the peace, breaches of the peace, and acts of aggression.

Without going into detail at this time, it could be argued that recourse to force, including forceful measures short of war, such as a limited blockade, can only be justified after adoption of the United Nations Charter if it constitutes an exercise of the inherent right of individual or collective self-defense against armed attack, which is preserved by Article 51 of the Charter. I would not desire to express an opinion on this point in the abstract. It would be far preferable to formulate our legal views with respect to the propriety of a particular pacific blockade in the light of all the facts and circumstances contemporaneous with the decision to impose such a blockade. Accordingly, I concur in Mr. Smith's recommendation that contingency planning along these lines be initiated.

L:LBecker:inf

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(Attache East Berlin)  
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DEPARTMENT OF STATE  
POLICY PLANNING STAFF

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February 10, 1960

MEMORANDUM FOR MR. MERCHANT

Through: S/S *[initials]*

From: S/P - Gerard C. Smith *[initials]*

As part of our Berlin preparations, I suggest that the attached S/P memorandum of March 3, 1959, be given reconsideration. I should like to see the military do a thorough job of analysis on it. It is my impression that last year the idea was not really studied carefully by the Joint Chiefs.

You may wish to raise this matter with Admiral Burke or General Twining.

Attachment:  
(Tab A)  
Memo, entitled "Berlin Contingency  
Planning: Pacific Counter-Blockade"

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901068-31